

California Architects

a publication of the california architects board

public protection through examination, licensure and regulation



CAB 2001 Education Forum

The California Architects Board (CAB)

held its 2001 Education Forum on April 5–6, 2001, in conjunction with the American Institute of Architects, California Council's (AIACC) Monterey Design Conference at the Asilomar Conference Center.

As with the first forum held in October 1999, this forum was facilitated by Barry Wasserman, an architect member of CAB's Professional Qualifications Committee and a professor emeritus at California State Polytechnic University, Pomona.

Approximately 32 educators from California community colleges and universities attended the two-day event that began with a presentation on the Intern Development Program (IDP) and other internship issues. Robert Rosenfeld, Director of Council Record Services for the National Council of Architectural Registration Boards (NCARB), gave a presentation on the history and current state of the nationally administered IDP. Edward Mojica, a newly licensed architect and past member of CAB's Professional

Qualifications Committee, spoke on possible futures for architectural internship and the work of the Collateral Internship Task Force, which consists of representatives from each of the five collateral architectural organizations: American Institute of Architects (AIA), American Institute of

Architecture Students (AIAS), Association of Collegiate Schools of Architecture (ACSA), National Architectural Accrediting Board (NAAB), and National Council of Architectural Registration Boards (NCARB).

Following the IDP segment, a panel of representatives from various areas of the profession discussed professional education continuum. The presentation panel consisted of Robert Campbell, a member of NCARB's Board of Directors; David Meckel, dean of California College of Arts and Crafts; L. Kirk Miller, CAB Board member; Linda Sanders, dean of the architecture department at California State Polytechnic University, Pomona;

MR. HIRSHEN SPOKE
ON EMERGING
PRACTICES AND
ALTERNATIVE FUTURES
ASSOCIATED WITH
ARCHITECTURAL
EDUCATION.

Job Analysis Survey May Come Your Way

In early fall, CAB will be conducting a job analysis survey on the practice of architecture in California. This survey will lead to the development of the test plan on which the California Supplemental Examination is based. Surveys will be mailed in early October 2001 to at least 2,100 randomly selected architects in California. If you receive this survey, please take the time to participate. It is crucial to the success of the job analysis survey that we receive enough responses. We appreciate your valuable contribution in this important step in the examination process.



The stated mission of the CAB focuses on protection of the health, safety, and

welfare of the people of the State of California. While this can be narrowly defined as “regulation, examination and enforcement,” such a limiting perspective may not allow the Board to fulfill its greater mission related to pro-active oversight of the profession. Effecting successful regulation suggests the Board also look closely at other components contributing to the continued competent practice of architecture. The influence of education and ongoing day-to-day practice are two such factors effecting architectural service. Formal education and evolving professional trends are primary contributors toward candidate preparation, licensing qualification, and continued safe practice. It is for this reason CAB has felt a responsibility to facilitate a format for dialogue among and between the CAB, educators, and the profession.

To this end, CAB is continuing its active role in catalyzing discussion among the forces that lead to and maintain licensure. This spring the CAB sponsored a second statewide Education Forum held in Monterey. This forum provided an opportunity for educators from architectural schools, community colleges, and practitioners through organizations such as AIACC and NCARB to gather and discuss the confluence of knowledge necessary to assure competent practice while emphasizing how each might best impart that knowledge. Through creation of an environment for dialogue, the Board hopes to serve as a bridge between educators and ongoing licensed practice—both critical to our architectural constituents.

Through this discussion, there was continuing debate regarding whether the educator’s primary role was to provide a strong theoretical design base or to supply a more practical knowledge preparing students for the rigors of daily practice. There was also debate as to what defines the body of knowledge necessary for safe practice and what the best vehicle to disseminate this knowledge might be. Discussion also touched on whether educational



A Catalyst of Communication

By Gordon Carrier, President,
California Architects Board

institutions could have an ongoing role as a resource to licensed architects to maintain excellence in current standards of practice.

While there can be no quick or precise answer to many of these questions, CAB feels there should be a vehicle for effective communication and awareness among the vested parties. CAB has

chosen its role to facilitate such an exchange through the Education Forum. With multiple viewpoints assembled in an organized summit, there is tremendous opportunity to gain greater awareness of the complexities influencing architectural preparation, licensure, and practice.

As issues are revealed and dialogue moves us closer to possible resolution, the result is a better and safer practicing architect. The key is our collective desire to better the service we provide as a licensed profession.

CAB would like to thank all that participated in this forum. Great value has come to us through the knowledge gained during these discussions.

The Board is also actively involved in two other major education-focused initiatives for the coming year. The first is creating a task force and action plan that will allow the state to successfully meet the 2005 date for mandatory IDP. While four years seems like a long time, there is much to be done at all levels of education and practice to ensure a smooth implementation.

The second initiative is coming to a final decision on post-licensure proficiency. Full results of the post-licensure survey will be available shortly. A task force will examine those results to determine potential weaknesses in practice and establish an action plan to shore up any weak points discovered.

The year has already been a busy one and the pace will continue to pick up as we move forward with these important programs. ■

The issue of education opens natural discussion on what information an architect needs to hold to practice in the best interest of the public's health, safety, and welfare. L. Kirk Miller, a practicing architect and vice president of the California Architects Board (CAB) has spent a great deal of time on this issue. The following article presents his personal concerns and raises questions for architects everywhere to consider.

The Body of Knowledge of the Profession of Architecture and How it Relates to the Protection of the Public Health, Safety, and Welfare

By L. Kirk Miller, FAIA

Beginning January 1st, 2005, CAB will require candidates to complete the Internship Development Program (IDP) as a condition for licensure as an architect in California. IDP requires interns to obtain experience in the "Core Competencies" of architecture under the supervision of architects, or in other select ways. The supervising architect must attest to the fact that the intern has spent time on each of the defined core competencies.

The profession of architecture in California is therefore now being required to formally pass on a portion of the Body of Knowledge to interns. This raises the question as to what the

Body of Knowledge encompasses and if it is being passed on to future architects in an effective manner.

I'd like to ask you to consider the following questions.

What is the Body of Knowledge of the profession of architecture?

If there is not a widely held view on what the Body of Knowledge is, how would you determine its composition?

What are your views on what the Body of Knowledge is, or what it should contain?

Where does the Body of Knowledge of the profession of architecture, or portions of it, reside?

If there is not a generally recognized repository for the Body of Knowledge, where should it, or portions of it, reside?

How should the Body of Knowledge be passed on to the next and following generations of architects?

What portion of the Body of Knowledge should be passed on to the next generation of architects by formal higher education?

What portion of the Body of Knowledge should be passed on to the next generation of architects by the profession of architecture?

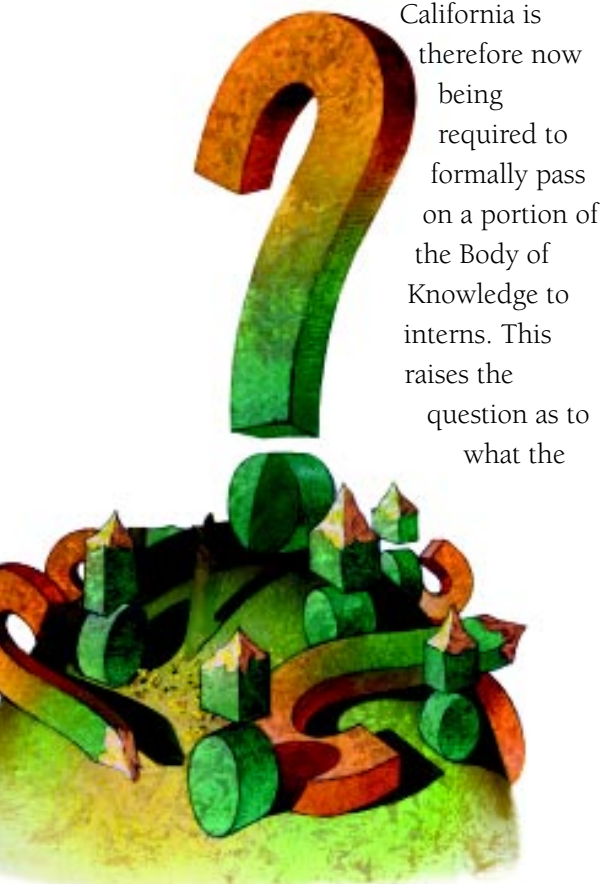
How should the institutions of higher education and the profession of

architecture coordinate their efforts to pass on the Body of Knowledge to the next generation of architects?

Opening the Floor

The education of architectural students and practicing architects is an issue that affects us all. CAB would like to open the discussion to the wider audience and ask your opinion on what constitutes a solid educational experience. CAB is interested in hearing your views on the necessary body of knowledge, current state of education, the transition from school to practice, the coming requirements for internship, and any future concerns you see developing.

We encourage you to submit your thoughts and ideas by e-mail to cab@dca.ca.gov; by mail to California Architects Board, 400 R Street, Suite 4000, Sacramento, CA 95814-6238; or by fax to (916) 445-8524. Please include your educational and professional background and your current employment status so that we can see how different segments of the profession view education. In coming issues we may feature selected letters that represent a cross section of views. ■



Post-Licensure Competency Study Completed

Over the last year, the California Architects Board (CAB) has been conducting a study of the post-licensure competency of architects in California with the assistance of Professional Management and Evaluation Services, Inc. (PMES), a private consulting firm with a specialization in scientifically-based studies.

CAB's Task Force on Post-Licensure Competency oversaw the development of the California Architect Proficiency Survey mailed to 5,625 individuals in the fall of 2000. The recipients were representatives from six stakeholder groups, including architects, allied design professionals (e.g., engineers, landscape architects), contractors, regulators (building and planning departments), clients/end users, and forensic/insurance/legal professionals.



that, on an overall basis, there is not a significant proficiency problem that would warrant mandatory continuing education at this time.”

The Board also approved the Task Force recommendation to appoint an implementation subgroup or task force to coordinate the dissemination of the survey results report and to continue work in relation to the survey results, in particular relating to potential areas where architectural practice proficiency could be improved.

PMES' report will be provided to CAB's Professional Qualifications Committee, Regulatory and Enforcement Committee, and other CAB

committees for their review and possible identification of areas that may fall under their purview.

It is anticipated that a summary of the report will be available for public distribution upon request in the fall of 2001. At that time, if you are interested in receiving a copy, please contact CAB at (916) 445-3394 or by e-mail at cab@dca.ca.gov. ■

Competency-Based IDP Study

As you may know, beginning in 2005, CAB will require its candidates to complete a structured internship program before licensure. The Intern Development Program (IDP) is a nationally recognized internship program administered through the National Council of Architectural Registration Boards (NCARB). This requirement will affect new candidates applying for eligibility on or after January 1, 2005, as well as candidates who have not taken an examination for five or more years who reapply for eligibility on or after January 1, 2005. Candidates who are currently eligible and who remain eligible (without a lapse of five or more years in taking exams) will be exempt from the requirement.

IDP is a national, structured internship program for architecture, jointly sponsored by NCARB and the American Institute of Architects (AIA). IDP was created to:

- ❖ Provide a formal means of evaluating training;
- ❖ Enable interns to better prepare themselves for their careers as registered architects;
- ❖ Recognize interns' professional development by compiling a continuing comprehensive record of their internship activities; and
- ❖ Present interns with a definition of the range of internship activities and information on each of the 16 areas required to qualify for registration.

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...there is not a significant proficiency problem that would warrant mandatory continuing education at this time.

The Task Force met on June 13, 2001, to review the report on the results of the survey. Based on the findings of the survey, the Task Force made the following recommendation, which the Board subsequently approved.

“Accept the report on the results of the California Architect Proficiency Survey as prepared by PMES and agree with the conclusions and recommendations contained therein

IDP Study *continued*

IDP involves the compilation and maintenance of a record of internship activity reflecting structured exposure to 16 key areas of practice based on a specified number of hours under the direct supervision of a qualified professional.

In its discussions and consideration of the mandatory IDP requirement, CAB's Professional Qualifications (PQ) Committee expressed some concern over the failure of the existing program to ensure competency in the various training areas. Completion of IDP is documented based on the number of hours spent in each of the specified training areas. The PQ

Committee showed interest in further considering if and how a competency assessment could be incorporated into the documentation of the architectural internship experience to determine whether the candidate actually gained competence in the specified training areas as opposed to simply meeting the time requirement.

At the same time, the Committee noted the need to maintain the existing program as the core for purposes of reciprocity and NCARB certification.

To this end, CAB contracted with Professional Management and Evaluation Services, Inc. (PMES) to research the feasibility of a competency-based assessment for IDP.

PMES will:

- ❖ Study the existing content and process of IDP to gain an understanding of the program;
- ❖ Identify and determine the feasibility of, alternative methodologies to, and content suggestions to implement a competency-based version of IDP;
- ❖ Develop and produce written reports on findings; and
- ❖ Present findings and recommendations to CAB.

CAB anticipates that the competency-based IDP research project will be completed by June 2002 and the results will be reported at that time. ■



Law Requiring Written Contracts —It's Not New!

On January 1, 1996, the "new law"

requiring architects to have an executed, written contract prior to commencing any professional services became effective in California. While this requirement of the Architects Practice Act has been around for more than five years, there are some licensees who were unaware of the requirement or believe it recently became a part of the Architects Practice Act.

Why a contract?

The California Architects Board (CAB) reminds all licensees that there is a legal requirement for

executed, written contracts by architects as provided in Business and Professions Code (B&PC) section 5536.22. CAB believes written contracts for architectural services can be instrumental in helping consumers to better understand the professional services they seek and that written contracts encourage communication between the client and the architect.

According to CAB's Enforcement Unit, design and/or construction-related disputes that are reported in complaints against licensees are often the result of poor communication and the resultant missed expectations of one or both of the parties. The Enforcement

Unit also reports that a majority of consumer complaints received are from first-time consumers who had retained an architect for a residential project—sometimes without a contract and often with an inadequate one.

Written contracts do not make a dishonest person honest; however, the absence of a contract gives a dishonest person a broader undefined operating range. One might long for the days when a handshake and a promise between honorable individuals was all that was needed to begin and sustain a professional business relationship. But the business of providing professional architectural services

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Education *continued*

Larry Segrue, CAB architect consultant; and Carl Strona, chair of the architecture department at San Diego Mesa College.

The first evening was highlighted by a presentation by keynote speaker Sandy Hirshen, an architect who served as the chair of the Department of Architecture at the University of California, Berkeley and the head of the School of Architecture at the University of British Columbia, Vancouver. Mr. Hirshen spoke on emerging practices and alternative futures associated with architectural education.

On the second day, attendees took part in breakout sessions on issues of interest, including the topics presented the day before. Major topics of discussion included the 1) gap that seems to exist between architectural education and licensure, 2) lack of consistency in the acceptance of community college credit by NAAB-accredited schools of architecture, 3) concern that many architecture graduates (as many as one-third and possibly the brightest ones) are choosing alternate paths instead of seeking licensure, and 4) fact that there are not enough architecture schools in California for the number of architects (roughly 20% of the nation's total). It was felt that approximately twice as many schools are needed.

In a post-event survey, participants responded very favorably to the program and expressed interest in continuing the dialog between architectural regulatory and

professional organizations, NAAB-accredited schools, community colleges, and practitioners.

CAB would like to sincerely thank all involved with the success of the 2001 Education Forum. The Board plans to continue its contact program with the educational community and students through future education forums and presentations to students. ■



Contracts *continued*

is more complex today, no matter the project type or size.

Good business practices include using contracts or agreements whenever procuring goods and services. Would a businessperson rent or lease office space without an agreement that clearly defined what he or she was getting, how large and where it is located, for how long, and at what cost? Would any of us consider buying or leasing a vehicle or office equipment without an agreement clearly defining the terms and conditions? Very doubtful and highly unlikely! Given that the design and construction processes are certainly fraught with much higher-risk exposures than these business procurements, why would an architect or client embark on the professional services journey without a contract and without clearly defining their expectations?

What's required?

The Architects Practice Act written contract requirements establish minimum elements and in no way

require a lengthy or voluminous document. The written contract law simply requires that the architect provide in writing a description of the services, the participants, the cost parameters, and the basic terms and conditions to which the parties are agreeing. Text of the law is found in B&PC section 5536.22. Specifically, the minimum required items in the written contract include:

1. Description of services to be provided
2. Description of compensation basis and method of payment
3. Architect's name, address, and license number and client's name and address
4. Description of procedure to accommodate additional services
5. Description of procedure for either party to terminate the contract

Contracts executed, when?

The law requires that "...the written contract shall be executed by the architect and the client..." (meaning that both parties sign and date the contract)...prior to the architect commencing work, unless the client knowingly states in writing that the work may be commenced before the contract is executed." This last clause is very important for architects serving clients with complex internal contract approval processes that can take a long time. Such clients having generally agreed on the scope of services might want the architect to begin preliminary analysis or initial design work while waiting for legal department



ENFORCEMENT ACTIONS

CAB is responsible for receiving and investigating complaints against licensees and unlicensed persons. CAB also retains the authority to make final decisions on all enforcement actions taken against its licensees.

Included below is a brief description of recent enforcement actions taken by CAB against individuals who were found to be in violation of the Architects Practice Act.

Every effort is made to ensure that the following information is correct. Before making any decision

based upon this information, you should contact CAB. Further information on specific violations may also be obtained by contacting the Board.

Guidelines” for the project. The Guidelines list “Terry Roach” as the contact person under the heading “Architectural Firm” and his candidate number under the heading “License #.” The citation became effective on May 17, 2001.

OSCAR J. ROBISON (Fallbrook)

The Board issued an administrative citation to Oscar J. Robison, architect license number #C-16262, for a violation of B&PC section 5536.22 (Written Contract). This action was taken based on evidence that Mr. Robison commenced preparing drawings for the remodel of a residence without having an executed written contract for professional services. The citation became effective on April 30, 2001.

Citations

REUBEN P. HECHANOVA (San Francisco)

The Board issued an administrative citation to Reuben P. Hechanova, architect license number #C-25402, for a violation of Business and Professions Code (B&PC) section 5536.22 (Written Contract). This action was taken based on evidence that Mr. Hechanova commenced preparing a swimming pool and deck design for a residence without having an executed written contract for professional services. The citation became effective on April 30, 2001.

TERRENCE ANDREW ROACH (Phoenix, AZ)

The Board issued an administrative citation that included a \$1,000 civil penalty to Terrence Andrew Roach, an unlicensed individual, for a violation of B&PC section 5536(a) (Practice Without a License or Holding Self Out as Architect). The action was taken based on evidence that Mr. Roach executed an agreement to design a residence. The agreement was titled “AGREEMENT FOR ARCHITECTURAL SERVICES AND SCHEDULE OF SERVICES

FOR SINGLE FAMILY RESIDENCES” and stated that “the Architects services consists of those described under ‘Schematic Design Phase,’ and ‘Design Development Phase,’ and ‘Construction Documents Phase under the base fee.’” Mr. Roach completed a Design Review Application titled “Design

Enforcement Actions Report Clarification

The CAB received numerous questions about a citation summary reported in the Spring 2001 Newsletter where an architect received a citation for failing to provide structural calculations that met professional standards. Some readers misunderstood this summary to mean that architects cannot prepare structural calculations for their projects. Architects are clearly authorized to prepare structural calculations as part of a project. In the reported case, however, the architect at first failed to provide structural calculations as required by the building department. The ultimately submitted calculations were found to be inadequate and below professional standards; therefore, the building department required that the structural calculations for the project be prepared by a structural engineer. The architect in question failed to meet the professional standard for the services provided and failed to obtain the necessary approval of plans and calculations in a timely manner for construction.

Business and Professions Code (B&PC) section 5500.1 defines the practice of architecture, in part, as “...the design, in whole or in part, of buildings, or groups of buildings and structures.” Therefore, under the Architects Practice Act and the Professional Engineers Act exemptions, architects are allowed to prepare and/or be in responsible control of preparing, signing and stamping the civil, structural, mechanical and electrical systems calculations, plans and specifications for their building projects and their associated sites. The Health & Safety Code provides the only exception to this allowance in that it requires a structural engineer for the structural system design of a hospital. While the license allows architects to provide such system design services, architects are not exempt from the competence criteria for all of the professional services they provide.



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approval of the contract. At his or her option, the client could issue written authorization to proceed with some statement of clarifying terms and status of the contract.

Contracts, for all work?

The law provides exceptions to the written contract requirement. Executed, written contracts are not required by law in any of the following situations:

- The architect is providing professional services for no compensation (pro bono).
- The architect is providing professional services for a client or clients with whom there exists an ongoing professional working relationship.

- The client states in writing that they do not want or need a written contract after being informed of the legal requirement.
- The architect is providing professional services to a registered professional engineer or a licensed land surveyor.

Note: *Though the law provides these exemptions from the written contract requirement, it does not preclude an architect and a client from having a written contract in these situations. Nor does it suggest that a written contract should not be used or that the parties should not document their exemption agreement.*

No contract, so what?

Failure to comply with the requirements of B&PC section 5536.22 is a violation of the Architects

Practice Act and therefore constitutes grounds for disciplinary action. Unless the exemptions are applicable, it is a violation of the Act to commence working without an *executed* written contract. If a written contract is not executed (signed and dated by both parties), it does not comply with the law. If the written contract (executed or not) does not provide all of the required items, it does not comply with the law.

CAB's Enforcement Unit reports that consumer complaints related to fee or service disputes have often been taken to small claims court. Since the Architects Practice Act is very specific in the written contract requirements, courts are rarely sympathetic to an architect providing services without a written contract. ■

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